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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,164	06/26/2003	Nancy H. Puckett	18,291	8264

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EXAMINER

THOMPSON, JEWEL VERGIE

ART UNIT PAPER NUMBER

2855

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,164

Applicant(s)

PUCKETT ET AL.

Examiner

Jewel V Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35 is/are allowed.
- 6) ☒ Claim(s) 1-14, 18, 23, 31 and 32 is/are rejected.
- 7) ☒ Claim(s) 15-17, 19-21, 24-30, 33 and 34 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/6/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. Acknowledgement is made of the Information Disclosure Statement filed October 6, 2003, which has been made record of and placed in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yakopson et al (6,578,433) in view of Rix (6,419,131).

Regarding claims 1 Yakopson et al teaches an apparatus (15) for measuring the relative difficulty in donning comprising: a mount (11, 17) adapted to hold an article in an open donnable position (fig. 1); and a device for measuring the effort associated with donning the glove. Yakopson et al fails to teach that the donning article is a glove. However, Rix teaches a glove (34) used for a donning apparatus. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to have used the glove of Rix in the donning apparatus of Yakopson et al for the purpose of

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testing the forces experienced by a wearer when donning a tubular article (abstract, Yakopson et al)

Regarding claim 2, Yakopson et al teaches the article mount is moveable with respect to a fixed reference (figs. 1 and 2).

Regarding claim 3, Yakopson et al fails to teach the fixed reference comprises a base. Rix teaches a base (30). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to have used the base of Rix in the apparatus of Yakopson et al for the purpose of securing the lower ends (col. 3, lines 62,63, Rix)

Regarding claim 4, Yakopson et al teaches a load cell (col. 3, lines 28-31) disposed between the mount and the fixed reference (fig. 1).

Regarding claim 5, Yakopson et al teaches the device collects data on the force exerted between the glove mount and the fixed reference while the glove is being donned (fig. 1).

Regarding claim 6, Yakopson et al does not explicitly teach the device collects data on any of a force exerted between the mount and the fixed reference, linear movement of the article with respect to the fixed reference, linear movement of the mount with respect to the fixed reference, and peak load registered on the article. However, Yakopson et al does teach a tension measuring and recording device, load sensor and drive mechanism (18-20). These tools are capable of linear and load movement. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to have used the measuring and recording devices of

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Yakopson et al for the purpose of determining the linear movement and forces exerted of the article being donned

Regarding 7, Yakopson et al fails to teach the mount comprises at least one arm terminating in a first and a second end, one of the ends comprising at least one glove seat for mounting the glove with respect to the fixed reference donnable position. Rix teaches a glove donning apparatus (fig. 1) comprising at least one arm terminating in a first and a second end (28) with one of the ends comprising a glove seat (24) for mounting. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to have used the glove mount of Rix in the apparatus of Yakopson et al for the purpose of mounting a glove in place on the device and also to insert a hand into the glove (col. 3, lines 20-22)

Regarding claim 8, Yakopson et al fails to teach the glove mount comprises at least one glove seat for mounting the glove thereon and holding the glove in the open donnable position. Rix teaches a glove seat (24) which holds the glove in an open position. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to have used the glove mount of Rix in the apparatus of Yakopson et al for the purpose of restraining the glove to allow a hand to enter.

Regarding claim 9, Yakopson et al fails to teach the at least one glove seat is arcuately shaped. Rix teaches the at least one gloved is accuately shaped (col. 3, lines 26-28). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to have used the arcuately shaped glove holders of Rix in the apparatus of Yakopson et al for the purpose of presenting a mental picture to the

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person using the device that makes it easier for the mounting of the glove on the members (col. 3, lines 29-31, Rix)

Regarding claim 10, Yakopson et al fails to teach the at least one glove seat is annular. Rix teaches the at least one glove is annular (figs. 6 and 7). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to have used the annular glove ring of Rix in the apparatus of Yakopson et al for the purpose of providing an apparatus whereby the glove is positioned so that the hand can easily provide force into the glove.

Regarding claim 11, Yakopson et al fails to teach the at least one glove seat is about one inch to about three inches in length. Rix teaches a glove seat, however does not explicitly teach the length of the seat. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to have provided the glove of Rix in the range of one to three inches for the purpose of being able to holding the glove open and then providing the one to three inch seat of Rix in the apparatus of Yakopson et al for the purpose of securing the glove onto the seat.

Regarding claim 12, Yakopson et al fails to teach the at least one glove seat comprises a textured surface. Rix teaches a glove seat with a textured surface (fig. 1). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to have used the glove seat with a textured surface of Rix in the apparatus of Yakopson et al for the purpose of allowing the glove to be donned without slipping off of the seat.

Regarding claim 14, Yakopson et al fails to teach two glove mounts disposed spaced apart, opposed relation with respect to the other forming a throat there between. Rix teaches in fig. 10, two pairs of glove mounts. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to have used the two paired glove mount of Rix in the apparatus of Yakopson et al for the purpose of mounting a pair of gloves at the same time in order to save time in the process.

Regarding claim 18, Yakopson et al fails to teach the glove mount is pivotable with respect to the fixed reference. Rix teaches in col. 5, lines 17-25 that the rods may be mounted such that they may be adjustably positioned relative to each other. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to have used the pivotable rod of Rix in the apparatus of Yakopson et al for the purpose of using a different size glove or to accommodate a person with a different size hand. (col.5, lines 18-24)

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yakopson et al in view of Rix as applied to claim 8 above, and further in view of Poncy et al (4,002,276).

Regarding claim 13, Yakopson et al fails to teach the at least one glove seat is any of coated, knurled, ribbed, ridged, striated, and grooved. Poncy teaches a glove donning system comprising a glove seat wherein the glove is seated into a circular groove(35) extending around the cylindrical wall of the ring. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to have used

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the glove mount with the circular groove of Poncy in the apparatus of Yakopson et al for the purpose of ensuring that the glove fits tightly against the ring so that the sleeve sealed around the ring completely encloses the outer surface of the glove and protects the sterility (col. 4, lines 35-39)

4. Claims 22, 23 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yakopson et al (6,578,433) in view of Rix (6,419,131).

Regarding claims 22, Yakopson et al teaches an apparatus (15) for measuring the relative difficulty in donning comprising: a base (11) ;a mount (11, 17) adapted to hold an article in an open donnable position (fig. 1); and a device for acquiring data on the effort associated with donning the glove (20). The mount of Yakopson et al can also act as a base. Yakopson et al fails to teach that the donning article is a glove. However, Rix teaches a glove (34) used for a donning apparatus. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to have used the glove of Rix in the donning apparatus of Yakopson et al for the purpose of testing the forces experienced by a wearer when donning a tubular article (abstract, Yakopson et al)

Regarding claim 23, Yakopson et al teaches a load cell (col. 3, lines 28-31) disposed between the mount and the fixed reference (fig. 1).

Regarding claim 32, Yakopson et al fails to teach the glove mount is pivotable with respect to the base. Rix teaches in col. 5, lines 17-25 that the rods may be

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mounted such that they may be adjustably positioned relative to each other. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to have used the pivotable rod of Rix in the apparatus of Yakopson et al for the purpose of using a different size glove or to accommodate a person with a different size hand. (col. 5, lines 18-24)

Allowable Subject Matter

5. Claims 15-17, 19-21, 24-30, 33 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Allowable Subject Matter

6. Claim 35 is allowed.

Reasons for Allowance

7. The following is a statement of reasons for the indication of allowable subject matter: The references cited failed to teach and to make obvious an apparatus for measuring the relative difficulty in donning of a glove comprising a glove mount slidably engaged with the base.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

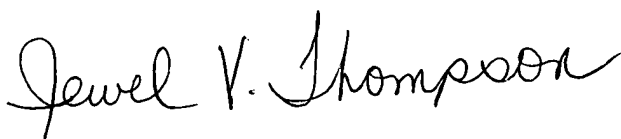
6,427,883 Esten teaches a glove donning and doffing arrangement

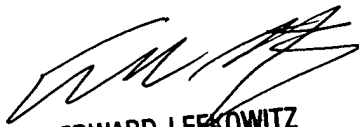
6,497,340 Grinberg teaches a disposable glove donning system

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jewel V Thompson whose telephone number is 571-272-2189. The examiner can normally be reached on 7-4:30, off alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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